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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,011	08/09/2000	Minoru Murakami	00590/LH	5463

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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
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NEW YORK, NY 10017-2023

EXAMINER
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NGUYEN, TU X

ART UNIT	PAPER NUMBER
2684	14

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/635,011

Applicant(s)

MURAKAMI ET AL.

Examiner

Tu X Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's arguments, filed 12/1/03, with respect to claims 1, 6 and 11 have been considered but they are not persuasive.

Applicants argue that "Tullis does not disclose the current position information is image information". The examiner disagrees; however, Tullis disclose current position information is image information (see col.4 lines 52 through col.53 line 40).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 10-13 and 15-22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkle (US Patent 6,370,568) and further in view of Tullis (US Patent 6,535,243).

Regarding claim 1, Garfinkle discloses a communication device comprising:  
mail creation means for creating an electronic mail (fig.3).

Garfinkle fails to disclose detecting means for detecting the current position of the communication device; and attaching image information corresponding to the current position with the information being attached thereto.

Tullis discloses detecting means for detecting the current position of the communication device; and attaching image information corresponding to the current

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position with the image information being attached thereto (see col.3 lines 19-29 and col.7 line 7 through col.8 line 22). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Garfinkle with the above teaching of Tullis in order to provide the captured image, along with the appropriate GPS attributes and electronically mailed to another individual.

Regarding claim 2, the modified Garfinkle discloses the device wherein said transmission means comprises:

storing means for storing regional information specific to areas (see Garfinkle, col.3 lines 9-35); and

reading means for reading the regional information corresponding to and area including said current position from said storing means and attaching the regional information to the electronic mail (see Garfinkle, fig.3 and col.1 lines 33-40).

Regarding claims 3 and 17, the modified Garfinkle discloses storing means stores at least one of scenic images of areas, logo marks of areas, and advertisement images corresponding to areas (see Garfinkle, 212a, 212b, 206 fig.3)

Regarding claims 5, 10 and 15, the modified Garkinkle discloses storing means comprises a rewritable memory and means for writing externally supplied information to said rewritable memory (see Garfinkle, 3 lines 9-50).

Regarding claim 16, the modified Garkinkle discloses everything as claim 1 above. More specifically, the modified Garkinkle discloses "the receiving means" (see Tullis col.5 lines 12-21 and Garkinkle col.4 lines 10-20).

Regarding claims 6 and 11-13, the modified Garkinkle discloses everything Regarding claim 1. However, the modified Garkinkle does not mention about "a cell station". Official notice is taken that the concept a radio communication system comprising a cell station and a communication terminal are well known in the art. It would have been obvious that a cell station is a wireless transportation medium, which stores, transmits and receives signals to/from radio devices.

Regarding claims 7 and 20, the modified Garfinkle discloses the device wherein said transmission means comprises:

storing means for storing regional information specific to areas (see Garfinkle, col.3 lines 9-35); and

means for reading the regional information corresponding to and area including said current position from said storing means and attaching the regional information to the electronic mail (see Garfinkle, fig.3 and col.1 lines 33-40).

Regarding claims 8 and 13, the modified Garfinkle discloses storing means stores at least one of scenic images of areas, logo marks of areas, and advertisement images corresponding to areas (see Garfinkle, 212a, 212b, 206 fig.3).

Regarding claims 18-19 and 21-22, the modified Garkinkle discloses everything as claims 1 and 3 above. More specifically, the modified Garkinkle discloses "the receiving means" (see Tullis col.5 lines 12-21 and Garkinkle col.4 lines 10-20).

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4. Claims 4, 9 and 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Garkinkle, in view of Tullis and further in view of Ausems et al. (US Patent 6,434,403)

Regarding claims 4, 9 and 14, the modified Garfinkle fails to disclose storing means comprises a read-only memory.

Ausems et al. disclose storing means comprises a read-only memory (see 315, fig.3). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Garkinkle, Tullis with the above teaching of Ausems et al. in order to stores the operating system software for the device.

### Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN  
January 13, 2004

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER